

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re HAIN CELESTIAL HEAVY METALS
BABY FOOD LITIGATION,

CONSOLIDATION ORDER
No. 21-CV-0678 (JS) (AYS)

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This Document Relates to

Lawrence v. Hain Celestial Group, Inc., et. al. No. 21-CV-1287

Albano v. Hain Celestial Group, Inc. , et. al. No. 21-CV-1118

Andrews v. Beech-Nut Nutrition Company et. al. No. 21-CV-1704

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SEYBERT, District Judge:

WHEREAS, on May 13, 2021, this Court issued an Order consolidating thirteen (13) cases in this District before the undersigned in In re Hain Celestial Heavy Metals Baby Food Litigation, Case No. 21-CV-0678 (the "Consolidated Action"), wherein Plaintiffs assert claims against Defendant Hain Celestial Group, Inc. ("Hain") for violations of various state consumer protection laws and statutes arising out of allegations that Hain engaged in deceptive business practices with respect to its baby food products by failing to disclose that the products contain levels of toxic heavy metals, including arsenic, lead, cadmium, and mercury. (See Consolidation Order, ECF No. 47.)¹

¹ Unless otherwise indicated, all docket citations refer to the docket in the Consolidated Action, Case No. 21-CV-0678.

WHEREAS, the Court excluded Albano v. Hain Celestial Group, Inc., No. 21-CV-1118 (the "Albano Action") and Lawrence v. Hain Celestial Group, Inc., No. 21-CV-1287 (the "Lawrence Action") from the Consolidation Order "without prejudice and [with] leave to renew at such a time as (1) the respective courts rule on any forthcoming severance and/or transfer motion, or (2) the parties request reassignment to, and raise the issues before, the undersigned." (Consolidation Order at 7 ¶ 3.)

WHEREAS, the plaintiffs in the Albano Action, the Lawrence Action, and in Andrews v. Beech-Nut Nutrition Company et. al., No. 21-CV-1704 (the "Andrews Action"), have filed motions to consolidate these actions with the Consolidated Action, representing that they will file amended complaints asserting consumer-protection type claims against Hain as the sole defendant. (Albano Consolidation Mot., ECF No. 83; Lawrence Consolidation Mot., ECF No. 85; Andrews Consolidation Mot., ECF No. 88.)

WHEREAS, Federal Rule of Civil Procedure 42(a) provides that a court may consolidate "actions before the court" if they "involve a common question of law or fact." Courts have "'broad discretion' to determine whether to consolidate actions." Breakwater Trading LLC v. JPMorgan Chase & Co., No. 20-CV-3515, 2020 WL 5992344, at *2 (S.D.N.Y. Oct. 9, 2020) (quoting Johnson v. Celotex Corp., 899 F.2d 1281, 1284 (2d Cir. 1990)). In determining

whether to consolidate actions, courts may consider “judicial economy,” which favors consolidation, but must ensure that consolidation will not jeopardize “a fair and impartial trial.” Johnson, 899 F.2d at 1285.

WHEREAS, upon due consideration of the parties’ submissions, the Court finds that entry of this Order will promote judicial economy, avoid duplicative proceedings, and streamline adjudication of related matters.

Accordingly, **IT IS HEREBY ORDERED THAT** the motions to consolidate the Albano Action, the Lawrence Action, and the Andrews Action are GRANTED and plaintiffs in the Albano Action, the Lawrence Action, and the Andrews Action shall file amended complaints, consistent with the Consolidation Order and their Letter Motions, to their respective dockets within fourteen (14) days from the date of this Order;

IT IS FURTHER ORDERED that, pursuant to the Court’s Consolidation Order, the Albano Action, the Lawrence Action, and the Andrews Action are hereby CONSOLIDATED with the Consolidated Action pending before the undersigned, and shall proceed under lead Case No. 21-CV-0678 as follows: In re Hain Celestial Heavy Metals Baby Food Litigation, Case No. 21-CV-0678. Except as otherwise provided herein, all future filings shall be docketed in lead Case No. 21-CV-0678;

The Clerk of the Court is respectfully directed to (1) GRANT the motions pending at ECF Nos. 83, 85, and 88 in lead Case No. 21-CV-0678; (2) docket this Order in the Consolidated Action, the Albano Action, No. 21-CV-1118; the Lawrence Action, No. 21-CV-1287; and the Andrews Action, No. 21-CV-1704; and (3) consolidate the Albano Action, the Lawrence Action, and the Andrews Action with the Consolidated Action.

The Court will direct the Clerk of the Court to administratively close the Albano Action, the Lawrence Action, and the Andrews Action after receipt of the forthcoming amended complaints.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: June 14, 2021
Central Islip, New York